UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIELLE BITON,

Plaintiff,

- against -

NEW YORK CITY TRANSIT AUTHORITY and METROPOLITAN TRANSPORTATION AUTHORITY,

Defendants.

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NOT FOR PRINT OR ELECTRONIC PUBLICATION

MEMORANDUM & ORDER

12-CV-02686 (CBA) (LB)

AMON, Chief United States District Judge.

Plaintiff Danielle Biton, appearing pro se, filed this action on May 23, 2012 against the New York City Transit Authority and the Metropolitan Transportation Authority. By Order dated June 19, 2012, this Court dismissed the complaint as frivolous—the fourth such dismissal against Biton since 2009. (DE #4.) The Order also warned Biton that this Court would not tolerate frivolous filings and that were she to persist in the filing of frivolous actions, the Court might deem it appropriate to enter an order barring her from filing any future in forma pauperis complaints without first obtaining leave of the Court to do so. See e.g., Iwachiw v. N.Y. State Dep't of Motor Vehicles, 396 F.3d 525, 529 (2d Cir. 2005); In re Martin-Trigona, 9 F.3d 226, 227-29 (2d Cir. 1993). By Orders dated July 31, 2012 and October 25, 2012, this Court denied Biton's motions for reconsideration. (DE #7, 15.) In a submission dated December 28, 2012 and supplemented by letter dated February 26, 2013, Biton again moves for reconsideration of the Court's Order dismissing her case.[1] The motion is again denied.

[1] Although entered after Biton filed the instant motion, the Court notes in addition that by Order dated February 28, 2013, Biton was enjoined from filing any further in forma pauperis actions in the Federal Court for the Eastern District of New York without first obtaining permission from the Court to do so. See Biton v. Prime Minster of Israel, No. 12-CV-5234; Biton v. Washington Dulles Airport Auth., No. 12-CV-5331; Biton v. Aventura, No. 12-CV-5246.

The standard for granting a motion to reconsider under either Rule 60(b) of the Federal Rules of Civil Procedure or Local Civil Rule 6.3 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York is a strict one. Indeed, a district court will generally deny reconsideration unless the moving party can point to either "controlling decisions or data that the court overlooked—matters that might reasonably be expected to alter the conclusion reached by the court." Lora v. O'Heaney, 602 F.3d 106, 111 (2d Cir. 2010) (quoting Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)) (internal quotation marks omitted).

Biton's current submission suffers from the same defects as her prior two motions for reconsideration. Biton fails to allege any controlling legal arguments or facts that this Court overlooked or that would otherwise lead this Court to alter its conclusion that her case must be dismissed. Instead, the motion and additional submissions consist largely of indecipherable and delusional allegations of various conspiracies perpetrated against her and her family by a variety of private actors, including State Farm Insurance; government actors, including the FBI and "all of the Judges from the Unified Court system of New York to the Supreme Court of Florida"; and foreign entities, including the Israeli police and military. The Court notes further that to the extent that Biton alleges that she or her mother received involuntary medical treatment at the Memorial Sloan-Kettering Cancer Center, that claim is not properly before the Court in this action, which was brought against the New York City Transit Authority and the Metropolitan Transportation Authority. As this Court concluded in its original dismissal of her complaint and its previous denials of reconsideration, Biton's claims are unsupported and frivolous, and her recent submission provides no basis for altering that conclusion.

CONCLUSION

Accordingly, Biton's third motion for reconsideration is denied. Noting that Biton has filed a third frivolous motion for reconsideration, the Court takes this opportunity to reiterate its warning that it will not tolerate her frivolous filings and reminds her that she is enjoined from filing any future in forma pauperis complaints in the Federal Court for the Eastern District of New York without first obtaining leave of the Court. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
April 5, 2013

/S/ Chief Judge Carol B. Amon

Carol Bagley Amon
Chief United States District Judge